

DISTRICT COURT
N.D. OF N.Y.
FILED

JUL 06 2017

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORKLAWRENCE K. BAERMAN, CLERK
ALBANYIsaac Montañez Plaintiff(s)

vs.

Popeyes Louisiana Kitchen Defendant(s)

Civil Case No.:

1:17-cv-731

CIVIL COMPLAINT
PURSUANT TO
TITLE VII OF THE
CIVIL RIGHTS ACT,
AS AMENDED

(LEK/CFH)

Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

JURISDICTION

1. Jurisdiction is conferred on this court pursuant to 42 U.S.C. § 2000e-5.

Plaintiff: Isaac Montañez
65 N. Lake Avenue
Albany NY 12201

PARTIES

2. Defendant:
- Popeyes Louisiana Kitchen

Address: 900 Central Ave. Suite 15
Albany NY 12206

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant:
- Rudy Wilson

Official Position: managerAddress: 900 Central Ave. Suite 15
Albany NY 12206

b. Defendant: _____

Official Position: _____

Address: _____

4. This action is brought pursuant to:

☒ Title VII of the Civil Rights Act of 1964, as amended, codified at 42 U.S.C. § 2000e *et seq.*, and the Civil Rights Act of 1991, for employment discrimination based on race, color, religion, sex or national origin.

☐ Pregnancy Discrimination Act of 1978, codified at 42 U.S.C. § 2000e(k), as amended, Civil Rights Act of 1964, and the Civil Rights Act of 1991, for employment discrimination based on pregnancy.

5. Venue is invoked pursuant to 28 U.S.C. s 1391.

6. Defendant's conduct is discriminatory with respect to the following (check all that apply):

- (A) ☒ My race or color.
- (B) ☐ My religion.
- (C) ☒ My sex (or sexual harassment).
- (D) ☐ My national origin.
- (E) ☐ My pregnancy.
- (F) ☐ Other: _____

7. The conduct complained of in this action involves:

- (A) ☐ Failure to employ.
- (B) ☐ Termination of employment.
- (C) ☐ Failure to promote.
- (D) ☐ Unequal terms and conditions of employment.
- (E) ☐ Reduction in wages.
- (F) ☐ Retaliation.
- (G) ☐ Other acts as specified below:

8.

FACTS

Set forth the facts of your case which substantiate your claims. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

I was paid under minimum wage for about 6-7 months of my employment. I wasn't given the days off I requested. I received a promotion but didn't get a raised. Two month after my promotion I got demoted back to dish and cleaning duties while still working as a cook. I was force to take 30 minutes break on shifts that were only 4 hours long in order to get less money on my checks.

9.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

Rudy Wilson started harrasing me about being puerto Rican laughing and demining me with racial comments.

SECOND CAUSE OF ACTION

I was forced to work by myself for months and I was doing multiple jobs due to the fact we were understaff and nobody was being hired

THIRD CAUSE OF ACTION

I was being treated different than other employees due to my race, color, national origin and given more workload due to my race. I was threaten by manager rudy wilson that he was gonna kill me.

10. I filed charges with the New York State Division on Human Rights, the New York City Commission on Human Rights or Equal Employment Opportunity Commission regarding the alleged discriminatory acts on or about:

Feb 20 2017

(Provide Date)

11. The Equal Employment Opportunity Commission issued a Notice-of-Right-to-Sue letter (copy attached) which was received by me on or about:

April 25 2017

(Provide Date)

12. The plaintiff is an employee within the meaning of 42 U.S.C. § 2000e(f).
13. The defendant(s) is (are) an employer, employment agency, or labor organization within the meaning of 42 U.S.C. § 2000e(b), (c), or (d).
14. The defendant(s) is (are) engaged in commerce within the meaning of 42 U.S.C. § 2000e(g).

15. **PRAYER FOR RELIEF**

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

Monetary damages, emotional distress

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 7/6/17

Isaac Montañez

Isaac Montañez

Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010

JUL 06 2017

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

LAWRENCE K. BAERMAN, CLERK
ALBANY

Isaac Montañez Plaintiff(s)
vs.
Rudy Wilson et al. Defendant(s)

Civil Case No.: 1:17-cv-731
CIVIL RIGHTS COMPLAINT
(LEK/CFH)
PURSUANT TO
42 U.S.C. § 1983

Plaintiff(s) demand(s) a trial by: ☒ JURY ☐ COURT (Select only one).

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4) and 2201.

PARTIES

2. Plaintiff: Isaac Montañez
Address: 65 North Lake Avenue
Albany NY 12206

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: Rudy Wilson
Official Position: Manager
Address: 900 Central Ave suite 15
Albany NY 12206

b. Defendant: popeyes Louisiana kitchen
Official Position: _____
Address: 900 Central Ave
Albany NY 12206

c. Defendant: _____
Official Position: _____
Address: _____

Additional Defendants may be added on a separate sheet of paper.

4. **FACTS**

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary).

I was paid under the minimum wage for
about the first 6-7 months of my employment. I
wasn't given the days off I requested. I received a
promotion but didn't get a raise. Two month
after my promotion I got demoted back to dish
and cleaning while still working as a cook. I
was forced to take 30 minutes break on a

5.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

4 hour shift in order to get less on my checks.
Rudy started harrasing me about being Puerto Rican
laughing and deminining me with racial comments.

SECOND CAUSE OF ACTION

I was forced to work^{by} my self for months
and I was doing multiple jobs due to the fact
we were understaff and nobody got hired for a while
even tho I was on my own.

THIRD CAUSE OF ACTION

I was being treated different from other employees
due to my race, color, and national origin I
was treated by Rudy Wilson that he was gonna
kill me.

6. **PRAYER FOR RELIEF**

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

Monetary Damages, emotional distress

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 7/6/17

Joan Mentae

Signature of Plaintiff(s)
(all Plaintiffs must sign)

02/2010